

BILL NO. S-72-05-09

SPECIAL ORDINANCE NO. S- 52-72

AN ORDINANCE ordering a sidewalk on the southside of Vance Avenue, in the City of Fort Wayne, Indiana, except where sidewalk is now in place.

WHEREAS, the Board of Public Works of the City of Fort Wayne adopted Sidewalk Improvement Resolution Nos. as follows:

Sidewalk Improvement Resolution No. 5610-1972 for the construction of sidewalk on the south side of Vance Avenue from the east curb line of Devon Drive to the west curb line of Kingsley Drive, except where sidewalk is now in place.

Sidewalk Improvement Resolution No. 5613-1972 to construct sidewalk on the southside of Vance Avenue from the east property line of Glencairn Drive to the west property line of Devon Drive, except where sidewalk is now in place to a width of five feet.

Sidewalk Improvement Resolution No. 5614-1972 to construct sidewalk on the south side of Vance Avenue from the east property line of Kingsley Drive to a point approximately 166 feet east thereof to a width of five feet.

Sidewalk Improvement Resolution No. 5615-1972 to construct sidewalk on the south side of Vance Avenue from the east pavement line of Coliseum Boulevard North to the west curb line of Inwood Drive to a width of five feet.

the road
Sidewalk Improvement Resolution No. 5616-1972 for the construction of a side side of Vance Avenue from the east curb line of Inwood Drive to the west property line of Glencairn Avenue to a width of five feet.

Sidewalk Improvement Resolution No. 5617-1972 to construct sidewalk on the north side of Vance Avenue from the east curb line of Inwood Drive to the west property line of Glencairn Drive to a width of five feet.

WHEREAS, within 10 days after the day named for hearing upon said Resolutions, a majority of the resident freeholders on said street remonstrated against said improvement; and

WHEREAS, on May 11, 1972, the Board of Public Works, upon consideration of such remonstrance, determined that in its opinion, a public need and necessity for said sidewalk exists for the safety of the children in the area so that they will not be compelled to walk and play in the street, and by its communication dated May 11, 1972, heretofore made a matter of record, communicated the foregoing to this body; and

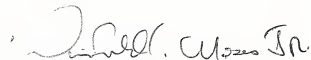
WHEREAS, Section 107 of Chapter 129 of the Acts of 1905 of the State of Indiana amended, provides that in the event of such a remonstrance, the improvement shall not be made unless specifically ordered by an ordinance within 60 days thereafter, passed by two-thirds vote of the Council and approved by the Mayor:

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the construction of the above-described sidewalk is hereby deemed to be of public need and necessity in order to provide for the safety of the children living and playing in said area..

SECTION 2. That notwithstanding any remonstrance filed against the same by the resident freeholders on said street, the construction of a sidewalk on the south side of Vance Avenue as above described, be and the same is hereby specifically ordered, and this Ordinance shall be and constitutes sufficient authority and direction to the Board of Public Works of the City of Fort Wayne in the premises to proceed in accordance with said resolution.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, and approval by the Mayor.



Councilman

APPROVED AS TO FORM
AND LEGALITY.



CITY ATTORNEY

Read the first time in full and on motion by Moses seconded by
Hinga and duly adopted, read the second time by title and
referred to the Committee on Public Works (and to the
City Plan Commission for recommendation) (and Public Hearing to be held after due legal
notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on June
the 26th day of June 19 72, at 7:30 o'clock
P.M., E.S.T.

Date: 5-23-72

Charles W. Whittemore
CITY CLERK

Read the third time in full and on motion by Moses
seconded by Stier and duly adopted, placed on its passage.

Passed (~~1981~~) by the following vote:

	AYES <u>6</u>	NAYS <u>3</u>	ABSTAINED _____	ABSENT _____ to-wit:
Burns	_____	<u>✓</u>	_____	_____
Hinga	<u>✓</u>	_____	_____	_____
Kraus	<u>✓</u>	_____	_____	_____
Nuckols	<u>✓</u>	_____	_____	_____
Moses	_____	<u>✓</u>	_____	_____
Schmidt, D.	_____	<u>✓</u>	_____	_____
Schmidt, V.	<u>✓</u>	_____	_____	_____
Stier	<u>✓</u>	_____	_____	_____
Talarico	<u>✓</u>	_____	_____	_____

Date 6-27-72

Charles W. Whittemore
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning
Map) (General) (Annexation) (Special) (Appropriation) Ordinance (~~Resolution~~) No. A-52-72
on the 27th day of June, 19 72.

ATTEST: (SEAL)

Charles W. Whittemore
CITY CLERK

John Guckels
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of
June, 19 72 at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Whittemore
CITY CLERK

Approved and signed by me this 28th day of June, 19 72
at the hour of 2:00 o'clock P.m., E.S.T.

Sam A. Rehner
MAYOR

Held.
Bill No. S-72-05-09

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
ordering a sidewalk on the southside of Vance Avenue, in
the City of Fort Wayne, Indiana, except where sidewalk
is now in place.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

Winfield C. Moses, Jr. - Chairman

William T. Hinga - Vice-Chairman

Samuel J. Talarico

Eugene Kraus, Jr.

Donald J. Schmidt

William T. Hinga
Samuel J. Talarico
Eugene Kraus

DATE 6-27-72 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

BOARD OF PUBLIC WORKS
City-County Building
Fort Wayne, Indiana 46802

May 15, 1972

Mr. David B. Keller
1310 Anthony Wayne Bank Building
Fort Wayne, Indiana 46802

Dear Mr. Keller:

Please prepare an ordinance to be introduced in the Common Council May 23, 1972, for the following:

1. Sidewalk Improvement Resolution No. 5610-1972 for the construction of sidewalk on the south side of Vance Avenue from the east curb line of Devon Drive to the west curb line of Kingsley Drive, except where sidewalk is now in place.

Remonstrance received after being tabulated by the City Engineering Department, contains 4 out of 4 or 100% of the resident property owners.

2. Sidewalk Improvement Resolution No. 5613-1972 to construct sidewalk on the south side of Vance Avenue from the east property line of Glencairn Drive to the west property line of Devon Drive, except where sidewalk is now in place to a width of five feet.

Remonstrance received after being tabulated by the City Engineering Department, contains four (4) out of four (4), or 100% of the resident property owners.

3. Sidewalk Improvement Resolution No. 5614-1972 to construct sidewalk on the south side of Vance Avenue from the east property line of Kingsley Drive to a point approximately 166 feet east thereof to a width of five feet.

Remonstrance received after being tabulated by the City Engineering Department, contains one (1) out of one (1), or 100% of the resident property owners.

4. Sidewalk Improvement Resolution No. 5615-1972 to construct sidewalk on the south side of Vance Avenue from the east pavement line of Coliseum Boulevard North to the west curb line of Inwood Drive to a width of five feet.

Remonstrance received after being tabulated by the City Engineering Department, contains three (3) out of three (3) or 100% of the resident property owners.

Mr. David B. Keller

May 15, 1972

Page 2

5. Sidewalk Improvement Resolution No. 5616-1972 for the construction of sidewalk on the south side of Vance Avenue from the east curb line of Inwood Drive to the west property line of Glencairn Avenue to a width of five feet.

Remonstrance received after being tabulated by the City Engineering Department, contains 18 out of 18 or 100% of the resident property owners.

6. Sidewalk Improvement Resolution No. 5617-1972 to construct sidewalk on the north side of Vance Avenue from the east curb line of Inwood Drive to the west property line of Glencairn Drive to a width of five feet.

Remonstrance received after being tabulated by the City Engineering Department, contains nine (9) out of ten (10) or 90% of the resident property owners.

It is the opinion of the Board that the sidewalk is a public need and necessity to provide safety for the children in the area, so they will not be compelled to walk and play in the street.

For your information, Ordinance S-299-69, was quite similar. This Ordinance was dated August 26, 1969.

Yours truly,

Jerry D. Boswell

Ronald L. Bonar

William G. Williams

BOARD OF PUBLIC WORKS

ss

Attachment (drawing)